IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.3285 of 2006
and C.M.A.SR.No.35992 of 2005

The Branch Manager
The Oriental Insurance Company Ltd.,
Subha Govindan Building
Cuddalore. .. Petitioner

Vs.

1.Rukkumani
2.Rajagopal
3.Minor Sowmiya
4.Minor Rajabharathi
(Minors represented by their grand mother, the 1st appellant)
5.S.Rajappan .. Respondents

PRAYER: C.M.P.No.3285 of 2006 is filed to condone the delay of 148 days in preferring the Civil Miscellaneous Appeal against the decree and judgment passed by the (Principal District Judge), Cuddalore District, Cuddalore, in MCOP. No.248 of 2003 dated 22.07.2004.

C.M.A.SR.No.35992 of 2005 is filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment passed by the

WEB COPY

http://www.judis.nic.in

Principal District Judge, Cuddalore District, Cuddalore, in MCOP. No.248 of 2003 dated 22.07.2004.

For Petitioner : Mr.M.Rajasekar

ORDER

The present Civil Miscellaneous Petition is filed to condone the delay of 148 days in preferring the Civil Miscellaneous Appeal against the decree and judgment passed by the Principal District Judge, Cuddalore District, Cuddalore, in MCOP. No.248 of 2003 dated 22.07.2004.

2.The learned counsel appearing for the petitioner submitted that after receipt of copy of the award, the same was sent to Regional Office for obtaining opinion, with regard to the award. Copy of the award got mixed up with other papers and hence the Civil Miscellaneous Appeal could not be filed in time.

WEB COPY

3.From the materials available, it is seen that the Appeal is filed in the year 2005. Notice has not been served till date, on the respondent. Further, reason given by the learned counsel for the

http://www.judis.nic.in

petitioner for condoning the delay of 148 days in preferring the Appeal is not valid and sufficient.

4.In the result, the Civil Miscellaneous Petition is dismissed and the Civil Miscellaneous Appeal is rejected at the SR stage itself. No costs.

18.01.2019

Jer

To

The Principal District Judge, Cuddalore District, Cuddalore.

WEB COPY

http://www.judis.nic.in

V.M.VELUMANI,J.

Jer

C.M.P.No.3285 of 2006
and C.M.A.SR.No.35992 of 2005

WEB COPY

18.01.2019

http://www.judis.nic.in